



General Assembly

January Session, 2005

Raised Bill No. 1029

LCO No. 3061

03061_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT REQUIRING A LOCAL PERMIT FOR THE RETAIL SALE OF FIREARMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 29-28 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (a) No person who sells ten or more [pistols or revolvers] firearms in
5 a calendar year or is a federally-licensed firearm dealer shall advertise,
6 sell, deliver, or offer or expose for sale or delivery, or have in such
7 person's possession with intent to sell or deliver, any [pistol or
8 revolver] firearm at retail without having a permit therefor issued as
9 provided in this subsection. The chief of police or, where there is no
10 chief of police, the warden of the borough or the first selectman of the
11 town, as the case may be, may, upon the application of any person,
12 issue a permit in such form as may be prescribed by the Commissioner
13 of Public Safety for the sale at retail of [pistols and revolvers] firearms
14 within the jurisdiction of the authority issuing such permit. No permit
15 for the sale at retail of any [pistol or revolver] firearm shall be issued
16 unless the applicant holds a valid eligibility certificate for a pistol or

17 revolver issued pursuant to section 29-36f or a valid state permit to
18 carry a pistol or revolver issued pursuant to subsection (b) of this
19 section and the applicant submits documentation sufficient to establish
20 that local zoning requirements have been met for the location where
21 the sale is to take place except that any person selling or exchanging a
22 [pistol or revolver] firearm for the enhancement of a personal
23 collection or for a hobby or who sells all or part of such person's
24 personal collection of [pistols or revolvers] firearms shall not be
25 required to submit such documentation for the location where the sale
26 or exchange is to take place.

27 Sec. 2. Subsection (a) of section 29-30 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective*
29 *October 1, 2005*):

30 (a) The fee for each permit originally issued under the provisions of
31 subsection (a) of section 29-28, as amended by this act, for the sale at
32 retail of [pistols and revolvers] firearms shall be one hundred dollars
33 and for each renewal thereof one hundred dollars. The fee for each
34 state permit originally issued under the provisions of subsection (b) of
35 section 29-28 for the carrying of pistols and revolvers shall be seventy
36 dollars plus sufficient funds as required to be transmitted to the
37 Federal Bureau of Investigation to cover the cost of a national criminal
38 history records check. The local authority shall forward sufficient
39 funds for the national criminal history records check to the
40 commissioner no later than five business days after receipt by the local
41 authority of the application for the temporary state permit. Thirty-five
42 dollars shall be retained by the local authority. Upon approval by the
43 local authority of the application for a temporary state permit, thirty-
44 five dollars shall be sent to the commissioner. The fee to renew each
45 state permit originally issued under the provisions of subsection (b) of
46 section 29-28 shall be thirty-five dollars. Upon deposit of such fees in
47 the General Fund, ten dollars of each fee shall be credited within thirty
48 days to the appropriation for the Department of Public Safety to a
49 separate nonlapsing account for the purposes of the issuance of

50 permits under subsections (a) and (b) of section 29-28, as amended by
51 this act.

52 Sec. 3. Subsection (b) of section 29-33 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective*
54 *October 1, 2005*):

55 (b) On and after October 1, 1995, no person may purchase or receive
56 any pistol or revolver unless such person holds a valid permit to carry
57 a pistol or revolver issued pursuant to subsection (b) of section 29-28, a
58 valid permit to sell at retail a [pistol or revolver] firearm issued
59 pursuant to subsection (a) of section 29-28, as amended by this act, or a
60 valid eligibility certificate for a pistol or revolver issued pursuant to
61 section 29-36f or is a federal marshal, parole officer or peace officer.

62 Sec. 4. Subsection (e) of section 29-33 of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective*
64 *October 1, 2005*):

65 (e) Upon the sale, delivery or other transfer of any pistol or revolver,
66 the person making the purchase or to whom the same is delivered or
67 transferred shall sign a receipt for such pistol or revolver which shall
68 contain the name and address of such person, the date of sale, the
69 caliber, make, model and manufacturer's number and a general
70 description of such pistol or revolver, the identification number of
71 such person's permit to carry pistols or revolvers, issued pursuant to
72 subsection (b) of section 29-28, permit to sell at retail [pistols or
73 revolvers] firearms, issued pursuant to subsection (a) of [said section]
74 section 29-28, as amended by this act, or eligibility certificate for a
75 pistol or revolver, issued pursuant to section 29-36f, if any, and the
76 authorization number designated for the transfer by the Department of
77 Public Safety. The person, firm or corporation selling such pistol or
78 revolver or making delivery or transfer thereof shall give one copy of
79 the receipt to the person making the purchase of such pistol or
80 revolver or to whom the same is delivered or transferred, shall retain
81 one copy of the receipt for at least five years, and shall send, by first

82 class mail, or electronically transmit, within forty-eight hours of such
83 sale, delivery or other transfer, one copy of the receipt to the
84 Commissioner of Public Safety and one copy of the receipt to the chief
85 of police or, where there is no chief of police, the warden of the
86 borough or the first selectman of the town, as the case may be, of the
87 town in which the transferee resides.

88 Sec. 5. Subsections (a) and (b) of section 29-36l of the general statutes
89 are repealed and the following is substituted in lieu thereof (*Effective*
90 *October 1, 2005*):

91 (a) The Commissioner of Public Safety shall establish a state
92 database within one year of October 1, 1994, that any person, firm or
93 corporation who sells or otherwise transfers pistols or revolvers may
94 access, by telephone or other electronic means in addition to the
95 telephone, for information to be supplied immediately, on whether a
96 permit to carry a pistol or revolver, issued pursuant to subsection (b)
97 of section 29-28, a permit to sell at retail a [pistol or revolver] firearm,
98 issued pursuant to subsection (a) of section 29-28, as amended by this
99 act, or an eligibility certificate for a pistol or revolver, issued pursuant
100 to section 29-36f, is valid and has not been revoked or suspended.

101 (b) Upon establishment of the database, the commissioner shall
102 notify each person, firm or corporation holding a permit to sell at retail
103 [pistols or revolvers] firearms issued pursuant to subsection (a) of
104 section 29-28, as amended by this act, of the existence and purpose of
105 the system and the means to be used to access the database.

106 Sec. 6. Section 29-38b of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2005*):

108 (a) The Commissioner of Public Safety, in fulfilling [his] the
109 commissioner's obligations under sections 29-28 to 29-38, inclusive, as
110 amended by this act, and section 53-202d, shall verify that any person
111 who, on or after October 1, 1998, applies for or seeks renewal of a
112 permit to sell at retail a [pistol or revolver] firearm, a permit to carry a

113 pistol or revolver, an eligibility certificate for a pistol or revolver or a
114 certificate of possession for an assault weapon has not been confined in
115 a hospital for persons with psychiatric disabilities, as defined in section
116 17a-495, within the preceding twelve months by order of a probate
117 court, by making an inquiry to the Department of Mental Health and
118 Addiction Services in such a manner so as to only receive a report on
119 the commitment status of the person with respect to whom the inquiry
120 is made including identifying information in accordance with the
121 provisions of subsection (b) of section 17a-500.

122 (b) If the Commissioner of Public Safety determines pursuant to
123 subsection (a) of this section that a person has been confined in a
124 hospital for persons with psychiatric disabilities, as defined in section
125 17a-495, within the preceding twelve months by order of a probate
126 court, said commissioner shall report the status of such person's
127 application for or renewal of a permit to sell at retail a [pistol or
128 revolver] firearm, a permit to carry a pistol or revolver, an eligibility
129 certificate for a pistol or revolver or a certificate of possession for an
130 assault weapon to the Commissioner of Mental Health and Addiction
131 Services for the purpose of fulfilling [his] the responsibilities of the
132 Commissioner of Mental Health and Addiction Services under
133 subsection (c) of section 17a-500.

134 Sec. 7. Subsection (b) of section 54-36e of the general statutes is
135 repealed and the following is substituted in lieu thereof (*Effective*
136 *October 1, 2005*):

137 (b) Firearms turned over to the state police pursuant to subsection
138 (a) of this section which are not destroyed or retained for appropriate
139 use shall be sold at public auctions, conducted by the Commissioner of
140 Administrative Services or [such] the commissioner's designee. Pistols
141 and revolvers, as defined in section 53a-3, which are antiques, as
142 defined in section 29-33, or curios or relics, as defined in the Code of
143 Federal Regulations, Title 27, Chapter 1, Part 178, or modern pistols
144 and revolvers which have a current retail value of one hundred dollars

145 or more may be sold at such public auctions, provided such pistols and
146 revolvers shall be sold only to persons who have a valid permit to sell
147 a [pistol or revolver] firearm, or a valid permit to carry a pistol or
148 revolver, issued pursuant to section 29-28, as amended by this act.
149 Rifles and shotguns, as defined in section 53a-3, shall be sold only to
150 persons qualified under federal law to purchase such rifles and
151 shotguns. The proceeds of any such sale shall be paid to the State
152 Treasurer and deposited by the State Treasurer in the forfeit firearms
153 account within the General Fund.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2005</i>	29-28(a)
Sec. 2	<i>October 1, 2005</i>	29-30(a)
Sec. 3	<i>October 1, 2005</i>	29-33(b)
Sec. 4	<i>October 1, 2005</i>	29-33(e)
Sec. 5	<i>October 1, 2005</i>	29-361(a) and (b)
Sec. 6	<i>October 1, 2005</i>	29-38b
Sec. 7	<i>October 1, 2005</i>	54-36e(b)

Statement of Purpose:

To require any person who sells any type of firearm at retail, not just pistols and revolvers, to have a permit for such sale issued by the local police or other governmental authority.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]